

REMARKS

Claims 1-22 were pending. Claims 3, 4, 6, and 7 and 10-19 are withdrawn due to election of species pending the allowance of a generic claim. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks. Applicants note that claims 1-22 are amended herein for clarification. In particular instances where the term “board” is recited, for example in connection with circuit board, sensor board and the like are replaced with the term “chip” to improve the clarity thereof. No new matter is entered (see, e.g. page 25 line 6 of the specification).

Claims 1, 2, 9, and 20-22 were rejected under 35 USC 102(b) as being anticipated by Kato et al., U.S. Patent No. 5,773,881 (hereinafter “Kato”). The applicant respectfully requests that this rejection be withdrawn for the following reasons.

With regard to independent claim 1, (a) a gap portion is recited as being sealed by sealing a sensor chip 10, a circuit chip 20, and gap bonding portion; (b) a movable portion 13 of the sensor chip 10 is recited as being disposed within the sealed gap portion; and (c) the circuit chip 20 is recited as being for communicating with the sensor chip 10. In other words, the movable portion 13 of the sensor chip 10 is disposed within the sealed gap portion, and the circuit chip 20 partially defines the gap portion. Also, the circuit chip 20 transmits and receives electrical signals to and from the sensor chip 10 as described in applicant’s specification at page 10, lines 26 – 27 and page 11, lines 1 – 11. Thus, the circuit chip 20 communicates with the sensor chip 10 as recited in claim 1.

In making the rejection, the Examiner alleges that the resin package 31 of Kato corresponds to the circuit chip of claim 1. However, in Kato, the resin package 31 is an insulator and does not communicate with the sensor element 22 or the base plate 23. Thus, Kato clearly

fails to disclose a gap portion sealed by sealing a sensor chip, a circuit chip, and a gap bonding portion, wherein a movable portion of the sensor chip is disposed within the sealed gap portion, and wherein the circuit chip is for communicating with the sensor chip as required by claim 1.

Accordingly, applicants respectfully submit that a *prima facie* case of anticipation cannot properly be sustained in that Kato fails to disclose all the features of claim 1 in the manner claimed as required. Accordingly it is respectfully requested that the rejection of claim 1 be reconsidered and withdrawn. Claims 2, 9 and 22 and any additional withdrawn dependencies are allowable for at least the reasons set forth with regard to claim 1. It is respectfully requested that the rejection of claims 2, 9 and 22 be reconsidered and withdrawn.

With regard to independent claim 20: (a) a movable portion 13 of the sensor chip 10 is recited as being disposed within a sealed gap that is sealed by sealing the sensor chip 10; and (b) the circuit chip 20 is recited as being for communicating with the sensor chip 10. In other words, the movable portion 13 of the sensor chip 10 is disposed within the sealed gap portion, and the circuit chip 20 partially defines the gap portion. Also, the circuit chip 20 transmits and receives electrical signals to and from the sensor chip 10 as noted, for example, in applicant's specification at page 10, lines 26 – 27 and page 11, lines 1 – 11. Accordingly, the circuit chip 20 communicates with the sensor chip 10 as recited in claim 20.

In making the rejection, the Examiner alleges that the resin package 31 of Kato corresponds to the circuit chip of claim 20. However, in Kato, the resin package 31 is an insulator and does not communicate with the sensor element 22 or the base plate 23 as noted above in connection with claim 1. Thus, Kato fails to disclose a movable portion of a sensor chip disposed within a sealed gap that is sealed by sealing a sensor chip and a circuit chip, wherein the circuit chip is for communicating with the sensor chip as required by claim 20.

Accordingly, applicants respectfully submit that a *prima facie* case of anticipation cannot properly be sustained in that Kato fails to disclose all of the features of claim 20 in the manner claimed as required. Accordingly it is respectfully requested that the rejection of claim 20 be reconsidered and withdrawn. Claim 21 is allowable for at least the reasons set forth with regard to claim 20. It is respectfully requested that the rejection of claim 21 be reconsidered and withdrawn.

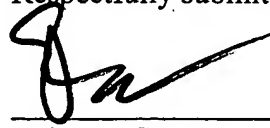
Claim 8 was rejected under 35 USC 103(a) as being unpatentable over Kato in view of applicant's allegedly admitted prior art. The applicant respectfully requests that this rejection be withdrawn for the following reasons.

Claim 8 depends from claim 1 and is therefore allowable for at least the reasons set forth hereinabove with regard to claim 1.

In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Scott, II', written over a horizontal line.

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